

CHAPTER 8

PUBLIC WORKS

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8.01 STREET AND SIDEWALK GRADES.

(1) ESTABLISHMENT. The grade of all streets, alleys and sidewalks shall be established by the Village Board and shall be recorded by the Clerk-Treasurer in his office. No street, alley or sidewalk shall be worked until the grade thereof is established.

(2) ALTERING GRADE PROHIBITED. No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof unless authorized or instructed to do so by the Village Board.

8.02 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

(1) PERMIT REQUIRED. No person shall, without first obtaining a permit from the Director of Public Works, make any opening in any street, alley, sidewalk or any public way within the Village. No permit shall be granted when the ground is frozen unless the Director of Public Works determines such opening is necessary.

(2) APPLICATION. Application for a permit shall be made on a form supplied by the Director of Public Works. The application shall be accompanied by a signed agreement to save the Village harmless from any liability arising from the work or activity covered by the permit, the fee provided in sub. (3) below and a written description of the work, including a sketch designating the trench location.

(3) FEE. The permit fee shall be \$10.00.

(4) BOND REQUIRED. Before an excavation permit is issued, the applicant shall give a bond in the sum of \$5,000.00 with good and sufficient surety to be approved by the Village Attorney conditioned, among other things, that said applicant will save and indemnify judgment, costs and expenses which may in any way accrue against the Village and save the Village harmless against all liabilities, judgments, costs and expenses in consequence of granting such permit, including the restoration of any pavement and maintenance thereof for one year. An annual bond may be given covering all excavation work done by the principal which shall be conditioned as specified above in an amount determined by the Village Attorney to adequately protect the Village.

(5) INSURANCE. A certificate of insurance evidencing that the applicant has in force and will maintain during the term of permit public liability insurance of not less than \$100,000.00 for any one person, \$300,000.00 for any one accident and \$50,000.00 for property damage.

(6) REQUIREMENTS FOR THE PROTECTION OF THE PUBLIC. Every permittee shall enclose each opening which he may make in the streets or public ways of the Village with barricades and barricade lights adequate to ward the traveling public during the period the excavation is open and until the street or sidewalk is restored and made passable for vehicular and pedestrian traffic. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Except by written permission from the Director of Public Works, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work.

(7) EXCAVATION, REFILLING AND REPAVING REQUIREMENTS. The permittee shall comply with all Public Works Committee rules and regulations governing excavation, refilling and repaving. The permittee shall make a determination whether or not sheathing and bracing shall be required. No trench shall be refilled until the Director of Public Works has been given 2 hours notice.

(8) PLUMBING PERMIT REQUIRED. See sec. 15.04 of this Code.

(9) EMERGENCY EXCAVATIONS AUTHORIZED. In the event of an emergency, any person owning or controlling any sewer, conduit or utility in or under any street may take immediate property emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit.

(10) VILLAGE WORK EXCLUDED. The provisions of this section shall not apply to excavation work done under the supervisions of the Director of Public Works by Village employes or contractors performing work under contract with the Village necessitating excavations in Village streets.

8.03 OBSTRUCTIONS AND ENCROACHMENTS.

(1) PROHIBITED. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in sub. (2) below.

(2) EXCEPTIONS. The prohibition of sub. (1) above shall not apply to the following:

(a) Public utility encroachments duly authorized by State law or the Village Board.

(b) Temporary encroachments or obstructions authorized by permit granted pursuant to S. 66.045, Wis. Stats.

(c) Excavations and openings permitted under sec. 8.02 of this chapter.

(e) Issuing of Parking Permits to Contractors and Owners for Construction Purposes.

1. Upon application of any contractor or property owner engaged in a construction project at the owner's premises which abut a Village right-of-way, sidewalk, street, or other public way, the Director of Public Works or Board President may issue a special parking permit to the contractor or owner allowing the parking of a vehicle or trailer, or the placement of materials reasonably necessary to the work of construction upon the sidewalk, right-of-way, street, or other public way for a period not exceeding the estimated time required to complete the construction project, provided that no special permit shall be valid for more than 30 days, at which time it may be renewed by the Public Works Director. For the purposes of this subsection, the contractor or owner shall be the holder of and responsible for the use and misuse of the special permit.

2. Whenever a special permit is issued to a contractor or owner under this subsection, said contractor or owner, at their own cost, shall erect such temporary sign or signs, fences, barriers, or other devices deemed reasonably necessary by the Director of Public Works designating and giving warning of the space temporarily assigned to the contractor or owner.

3. In determining whether to issue a special permit under this subsection, the Director of Public Works may consult with the Village Engineer and the Village Building Inspector and shall consider traffic conditions, traffic safety, safety of pedestrians, the burden on other nearby premises or businesses, and the need of the contractor or owner for the special place.

4. A permit fee shall be charged to the contractor or owner in the amount of \$5.00 per day or the amount established by separate resolution of the Board pursuant to these ordinances, whichever is greater.

8.04 SNOW AND ICE REMOVAL.

(1) The deposit of any snow or ice upon any sidewalk, alley or street of the Village contrary to the provisions of this section shall be and is declared to be a nuisance. The owner or lessee of every lot or parcel of land in the Village in front of or abutting upon a sidewalk shall clear the entire width of such sidewalk of snow and ice within 12 hours after such snow or ice has accumulated thereon. The owner or lessee of a lot or parcel abutting sidewalks on two intersecting streets shall remove all snow and ice from the sidewalks of both streets, including that portion of the sidewalks bordering the crosswalk, including the entire curb ramp, if any, through the snow plow line to the cleared street, regardless of the source of the snow or ice accumulation. In the event snow or ice shall become frozen so hard it cannot practically be removed, the owner or lessee shall sprinkle the sidewalk with sand, salt, sawdust or other suitable material, and shall clean such sidewalk as soon as weather permits. Any person violating this subsection shall be subject to a forfeiture as provided in Section 25.04 of the Village Code. Each day any violation of this subsection continues shall constitute a separate offense.

(2) No person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the Village. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.

(3) In the event the owner or lessee of any lot or parcel of land fails to comply with or violates the provisions of sub (1) above, or violates sub (2) above, the Director of Public Works, or his designee, may summarily remove such snow and/or ice and cause the cost of said removal to be charged to the owner of the property from which said snow and/or ice has been remove. If the charge is not paid within 30 days of the date of billing, an additional administrative charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid, and such charge shall be extended upon the current or next tax roll as a charge for current services as provided in section 66.0627, Wis. Stats.

(4) Prosecution under sub (1) or sub (2) above, shall not bar the Village from proceeding under sub (3) above, nor shall proceeding under sub (3) above bar prosecution under sub (1) or sub (2) above.

8.05 SALE OR DISPLAY OF MERCHANDISE PROHIBITED. Except for sales permitted by Statute or other sections of this Code, no person shall display, sell, or offer to sell, on any street, sidewalk, alley or other public place within the Village, anything of value or service of any kind, except in connection with a Village-wide enterprise or promotion of community trade.

8.06 PUBLIC IMPROVEMENTS AND ASSESSMENTS.

(1) GENERAL APPLICATION.

(a) The installation of any public improvement shall be an exercise of the police power of the Village as may from time to time be determined by the Village Board and the property served shall be assessed pursuant to the provisions of Sections 66.60 and 66.62, Wis. Stats.

(b) The total cost of any public improvement to be paid in whole or in part by special assessment shall include the direct and indirect costs reasonably attributable thereto including, but not limited to, materials, supplies, labor, equipment, site preparation and restoration, damages occasioned by the public improvement, interest on bonds or notes issued in anticipation of the collection of assessments, and a reasonable charge for engineering, legal and administrative costs.

(c) The assessment for any public improvement shall be based upon the total cost, as defined in par. (b) above, and shall be apportioned among the individual parcels benefited. Such apportionment shall generally be computed on a lineal frontage basis unless the Village Board otherwise determines that extenuating circumstances require a different method of assessment.

(2) STREETS.

(a) Streets shall be constructed in accordance with specifications established by the Public Works Committee.

(b) The grading and the laying of the gravel and stone subgrade for all new Village approved streets hereinafter constructed shall either be constructed by the developer in accordance with paragraph (a) above, or shall be constructed by the Village and 100% of the cost thereof levied against the benefiting property. The cost of blacktop surfacing of new streets and resurfacing existing streets shall be borne by the Village.

(3) CURB AND GUTTER.

(a) Curb and gutter shall be installed by the Village in accordance with specifications established by the Public Works Committee.

(b) Special assessment for all new curb and gutter shall be levied at 100% of the total cost and replacement curb and gutter shall be levied at 50% of the total cost.

(4) SIDEWALKS.

(a) The sidewalk shall be located in such places and at such grades as designated by the Village Board and shall be constructed by the Village in accordance with standards established by the Public Works Committee.

(b) Special assessments for all new sidewalks shall be levied at 100% of the total cost, and sidewalk replacement and repairs shall be levied at 50% of the total cost.

8.07 DRIVEWAYS.

(1) **PERMIT REQUIRED.** No person shall construct any new driveway across any sidewalk or curbing without first obtaining a driveway permit from the Director of Public Works. The applicant for a driveway permit shall file the application with the Director of Public Works and furnish a drawing designating his property lines, the location and width of the proposed driveway and the location of any driveway and street intersection within 100 feet of the proposed driveway.

(2) **FEE.** The fee for a driveway permit is \$10.00 and shall accompany the application.

(3) **SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.**

(a) Width. No driveway shall exceed 20 feet in width at the outer or street edge of the sidewalk unless approved by the Public Works Committee.

(b) Interference With Intersections Prohibited. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Public Works Committee for effective traffic control or for highway signs or signals.

(c) Interference With Street Prohibited. No driveway apron shall extend out into the street farther than the face of the curb.

(d) Number of Driveways Limited. No more than one driveway shall be constructed for any residential lot or premises without the approval of the Director of Public Works.

(e) Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalks construction in sec. 8.06(4) of this chapter. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner.

8.08 MOVING BUILDINGS.

(1) **PERMIT REQUIRED.** No person shall move any building into or within the Village without a permit from the Building Inspector upon 30 days' notice.

(2) **APPLICATION.** Application for a permit shall be made on forms provided by the Building Inspector.

(3) **PERMIT FEE.** For any building that is moved by use of heavy moving trucks or rollers, the fee shall be \$25.00. For any building that is moved by the use of common carrier trucks or skids, the fee shall be \$10.00. Such fees shall not include the fee for a building permit to rebuild or alter the building upon its new location within the Village.

(4) **BOND REQUIRED.** Before a permit is issued, the mover must give a bond in the amount of \$10,000.00 with good and sufficient sureties to be approved by the Village Attorney conditioned that the mover shall save the Village harmless from any liability arising out of the move and shall restore any street damage by the move.

(5) **INSURANCE REQUIRED.** Before a moving permit shall be issued, the applicant shall submit to the Building Inspector a certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$100,000.00 for any one person, \$300,000.00 for any one accident and \$50,000.00 for property damage.

(6) **NOTICE TO UTILITIES.** Prior to the issuance of said permit, the owner or mover shall certify that he had notified all public utilities whose lines or poles may be interfered with during the movement of the building. Such utilities shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles and may charge the permittee the cost thereof.

(7) **INSPECTION AND REPAIR OF STREETS AND HIGHWAYS.** Every person receiving a permit to move a building shall, within one day after reaching its destination, report that fact to the Director of Public Works. The Director shall thereupon inspect the streets and highways over which said building has been moved and ascertain

their condition. If the moving of said building has caused any damage to the streets or highways, the building mover shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the building mover to do so within 10 days thereafter to the satisfaction of the Director, the Village shall repair the damage done to such streets and highways and hold the sureties of the bond given by the house mover responsible for the payment of the same.

8.09 PENALTY. The penalty for violation of any provision of this chapter shall be a penalty as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.